

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

21-CV-_____

\$79,650 SEIZED FROM SAFE
DEPOSIT BOX # 195, ASSOCIATED WITH
BANK OF AMERICA ACCOUNT
#3337001955

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorneys, James P. Kennedy, Jr., United States Attorney for the Western District of New York, Grace M. Carducci, Assistant United States Attorney, of counsel (hereinafter the “government”), for its verified complaint herein alleges as follows:

CAUSE OF ACTION

1. This is an action in rem for the forfeiture of \$79,650 United States currency which was seized on September 22, 2020 from safe deposit box # 195, associated with Bank of America account # 3337001955 (hereinafter BOA #1955), in the name of Eric Iwu (hereinafter “Iwu”), at Bank of America, 4049 Seneca Street, West Seneca, New York (hereinafter “the defendant property”). The defendant property is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 984, as any property, real or personal, which constitutes or is derived from proceeds traceable to any offense constituting “specified unlawful activity” (as defined in section 1956(c)(7) of this title and hereinafter

referred to as “SUA”), namely wire fraud in violation Title 18, United States Code, Section 1343, bank fraud in violation of Title 18, United States Code, Section 1344 and conspiracy to commit wire fraud and bank fraud in violation of Title 18, United States Code, Section 1349.

2. The jurisdiction of this Court is invoked pursuant to Title 28, United States Code, Sections 1345, 1355, and 1395. Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395.

3. The defendant property was seized pursuant to a Federal Search Warrant on September 22, 2020. The defendant property is being held in the United States Customs and Border Protection (“CBP”) seizure account and remains in the custody of the Port Director, CBP, Buffalo, New York.

FACTS

4. The facts and circumstances supporting the forfeiture of the defendant property are contained in the Affidavit of U.S. Department of Homeland Security, Homeland Security Investigations (“HSI”), Special Agent David P. Jezewski, Exhibit 1, which is incorporated as though fully set forth herein, and has been provided to the Court with an application that it remain under seal until further Order of Court.

CONCLUSION AND RELIEF REQUESTED

5. Based upon the foregoing, the government submits that the defendant property is subject to forfeiture to the United States of America pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 984, as any property, real or personal, which constitutes or

is derived from proceeds traceable to any offense constituting “specified unlawful activity” (as defined in section 1956(c)(7) of this title and hereinafter referred to as “SUA”), to wit: wire fraud in violation of Title 18, United States Code, Section 1343, bank fraud in violation of Title 18, United States Code, Section 1344 and conspiracy to commit wire fraud and bank fraud in violation of Title 18, United States Code, Section 1349.

WHEREFORE, the United States of America respectfully requests that:

- (1) that an arrest warrant in rem be issued for the arrest of the defendant property;
- (2) that all persons having any interest therein be cited to appear herein and show cause why the forfeiture should not be decreed;
- (3) that a judgment be entered declaring the defendant property be condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) that the costs of this suit be paid to and recovered by the United States of America; and
- (5) that the Court grant such order and further relief as deemed just and proper.

DATED: March 19, 2021 at Rochester, New York.

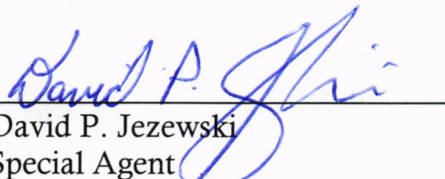
JAMES P. KENNEDY, JR.
United States Attorney
Western District of New York

By: s/Grace M. Carducci
GRACE M. CARDUCCI
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
500 Federal Building
100 State Street
Rochester, New York 14614
(585) 399-3954
Grace.Carducci@usdoj.gov

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

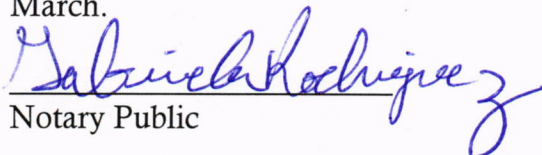
DAVID P. JEZEWSKI, being duly sworn, deposes and says:

I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI"), Buffalo, New York, and I am familiar with the facts and circumstances surrounding the seizure of \$79,650 seized from Bank of America Safe Deposit Box # 195, associated with Account # 3337001955 in the name of Eric Iwu on or about September 22, 2020. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief based upon information furnished to me by officials of HSI, and provided to the officials of the United States Attorney's Office.



David P. Jezewski
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn to
before me this 19th day of
March.



Notary Public

GABRIELA RODRIGUEZ
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires: 09/04/2022